

EXHIBIT 12

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

CORY SPENCER, an individual; DIANA)
MILENA REED, an individual; and)
COASTAL PROTECTION RANGERS, INC., a)
California non-profit public benefit)
corporation,) Case No.
) 2:16-cv-02129-SJO-RAO
Plaintiffs,)
)
vs.)
)
LUNADA BAY BOYS, et al.,)
)
Defendants.)
)

Videotaped deposition of DIANA MILENA REED, taken
before Jimmy Rodriguez, a Certified Shorthand Reporter for
the State of California, with principal office in the
County of Orange, commencing at 9:12 a.m., Monday,
October 24, 2016 at the Premier Business Centers - Santa
Monica, 401 Wilshire Boulevard, 12th Floor, Santa Monica,
California.

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1 Monday, October 24, 2016, 9:12 a.m.

2 Santa Monica, California

3 09:12

4 THE VIDEOGRAPHER: Good morning. We are 09:12

5 on the record at 9:12 a.m. on Monday, October 24, 09:12

6 2016. This is the video recorded deposition of 09:13

7 Ms. Diana Milena Reed. My name is Marnie Levy, 09:13

8 certified legal video specialist here with our court 09:13

9 reporter Jim Rodriguez. We are here from Veritext 09:13

10 Legal Solutions, and we are here representing the 09:13

11 defendants. 09:13

12 This deposition is being held at 401 09:13

13 Wilshire Boulevard, 12th floor, in Santa Monica, 09:13

14 California. The caption of this case is Cory 09:13

15 Spencer, et al., versus Lunada Bay Boys, case number 09:13

16 2:16-cv-02129-SJO-RAO. 09:13

17 Please note that audio and video recording 09:13

18 will take place unless all parties agree to go off 09:13

19 the record. I am not related to any party in this 09:13

20 action nor am I financially interested in the 09:13

21 outcome in any way. 09:14

22 If there are any objections to proceeding, 09:14

23 please state them at the time of your appearance 09:14

24 beginning with the noticing attorney. 09:14

25 Thank you, the witness will be sworn in 09:14

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Exhibit A, page 8

1 and counsel may begin the examination. 09:14

2 09:14

3 DIANA MILENA REED,

4 produced as a witness and having been first duly
5 sworn by the Certified Shorthand Reporter, was
6 examined and testified as follows:

7

8 MS. HEWITT: Before we begin, may I have 09:14

9 all counsel state their appearances on the record 09:14

10 please, and I'll begin with myself. 09:14

11 Antoinette Hewitt from Kutak Rock for the 09:14

12 City of Palos Verdes Estates and Police 09:14

13 Chief Kepley. 09:14

14 MR. HAVEN: Good morning, Peter Haven for 09:14

15 defendant Michael Papayans. 09:14

16 MS. LUTZ: Good morning, Tera Lutz for 09:14

17 Defendant Sang Lee. 09:14

18 MR. CAREY: Good morning, Pat Carey for 09:14

19 defendant Alan Johnston. 09:14

20 MR. DIEFFENBACH: Richard Dieffenbach for 09:14

21 Brant Blakeman, defendant. 09:14

22 MR. CROWLEY: Daniel Crowley for Sang Lee. 09:14

23 MR. FRANKLIN: Kurt Franklin on behalf of 09:14

24 Ms. Diana Milena Reed and the other plaintiffs in 09:14

25 this matter and the putative class. 09:15

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1 the complaint. 11:47

2 MR. FRANKLIN: Vague and ambiguous. 11:47

3 THE WITNESS: In the complaint I say that 11:47

4 I'm an aspiring big wave surfer. 11:47

5 BY MS. HEWITT: 11:47

6 Q Right. 11:47

7 A What that means to me is it's something 11:47

8 that I would like to do. 11:47

9 Q Had you ever been big wave surfing before 11:47

10 January 29, 2016? 11:47

11 A I'm an aspiring big wave surfer and I 11:47

12 don't consider myself a big wave surfer. I consider 11:47

13 it a goal. 11:47

14 Q Does that mean, no, you've never been big 11:47

15 wave surfing before January 29, 2016? 11:47

16 MR. FRANKLIN: Vague and ambiguous. 11:47

17 THE WITNESS: It just depends what you 11:47

18 mean by big wave surfing. It's hard for me to 11:47

19 answer your question because I don't know what 11:47

20 you're asking me exactly. 11:47

21 BY MS. HEWITT: 11:47

22 Q Okay. It says in your complaint that you 11:47

23 are an aspiring big wave surfer on January 29, 2016. 11:47

24 I'm an aspiring marathon runner, I haven't 11:47

25 quite gotten there, but I've done a half. 11:47

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1 Had you ever done anything you would 11:47
2 consider to be big wave surfing before January 29th, 11:47
3 2016? Had you even attempted it once in your mind 11:47
4 whatever is big wave surfing? 11:48

5 A I've surfed waves that were challenging to 11:48
6 me and, you know, were way over my head, and I've 11:48
7 been in conditions that definitely challenged me 11:48
8 both mentally and physically, but I'm not a big wave 11:48
9 surfer and that's something that I would -- I would 11:48
10 love to do down the line. 11:48

11 Q So have you ever surfed a big wave up to 11:48
12 this point right now? 11:48

13 MR. FRANKLIN: Vague and ambiguous. 11:48

14 THE WITNESS: It just depends what you 11:48
15 mean by a big wave. A wave that's big to me right 11:48
16 now might be really small to Laird Hamilton. 11:48
17 There's all kinds of waves. There's waves that are 11:48
18 80 feet, there's waves that are eight feet. Someone 11:48
19 might think that an eight-foot wave is big and 11:48
20 someone else might think it's small, so it's very 11:48
21 hard for me to answer that question. 11:48

22 BY MS. HEWITT: 11:48

23 Q Are you still an aspiring big wave surfer? 11:48

24 A Yes, I am. 11:48

25 Q All right. And the next part of that 11:49

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1 sentence it says you wanted to paddle out to 11:49
2 experience the large waves found off Lunada Bay. 11:49

3 In this sentence in your complaint here, 11:49
4 did you mean that you wanted to go out and try to 11:49
5 surf or you just wanted to paddle off to -- paddle 11:49
6 out to see what the waves looked like? 11:49

7 MR. FRANKLIN: Vague and ambiguous. 11:49

8 THE WITNESS: I wanted to paddle out to 11:49
9 surf. 11:49

10 BY MS. HEWITT: 11:49

11 Q Did you intend to surf? 11:49

12 A I did intend to surf, yes. 11:49

13 Q Did you feel prepared that day to catch a 11:49
14 big wave, whatever you thought was a big wave that 11:49
15 day? 11:49

16 A I felt prepared that day to attempt to 11:49
17 catch some of the waves on the inside for the 11:49
18 conditions that were out that day. 11:49

19 Q How did you decide to go to Lunada Bay 11:49
20 that day? 11:49

21 A I don't remember specifically how I 11:49
22 decided to go to Lunada Bay that day. I would 11:50
23 assume that the swell -- there was a good swell and 11:50
24 it wasn't, you know, too big, you know, and it was a 11:50
25 size that was something that I could try and 11:50

1 attempt. 11:50

2 Q I think earlier we decided that we weren't 11:50

3 sure whether or not you'd been to Lunada Bay before 11:50

4 that day. 11:50

5 A I didn't say that. 11:50

6 Q My fault. 11:50

7 Had you been to Lunada Bay before 11:50

8 January 29, 2016? 11:50

9 A I had been to the top of the bluff. 11:50

10 Q Top of the bluff, okay. 11:50

11 Do you remember -- is it like towards the 11:50

12 beginning of January, middle of January? 11:50

13 A It was towards the beginning of January. 11:50

14 I think that it was around the 6th of January 11:50

15 approximately. 11:50

16 Q And before that time on approximately the 11:50

17 6th of January, had you ever been to the top of the 11:50

18 bluff at Lunada Bay before? 11:50

19 A I don't think so. I may have at one point 11:51

20 driven up the coast looking at the coast, but I 11:51

21 don't know if I stopped at Lunada Bay or not. And 11:51

22 that wasn't for surfing. It was for scenic reasons. 11:51

23 Q Okay. Just to be clear so I don't get it 11:51

24 wrong again: Before January 6, 2016, had you ever 11:51

25 been down to the beach at Lunada Bay? 11:51

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1 A I didn't go down to the beach on 11:51
2 January 6th. 11:51

3 Q I understand that, I'm just making sure 11:51
4 before that date you had never gone to the beach 11:51
5 there? 11:51

6 A No. 11:51

7 Q And had you ever stopped at Lunada Bay at 11:51
8 all before January 6, 2016? 11:51

9 MR. FRANKLIN: Asked and answered. 11:52

10 THE WITNESS: Yeah, I may have when I was 11:52
11 looking at the coast, I don't know. 11:52

12 BY MS. HEWITT: 11:52

13 Q Okay. So in January 6, 2016, where did 11:52
14 you stop on the bluff? 11:52

15 A I went there to watch my friend surf. 11:52

16 Q Who was that? 11:52

17 A It was a big day. Much too big for me. 11:52
18 So I just went there to watch. 11:52

19 Q Who was your friend? 11:52

20 A Well, my friend Jordan Wright, boyfriend, 11:52
21 and his friends. 11:52

22 Q Who was his friends that you went to 11:52
23 watch? 11:52

24 A One of them was my friend Preston, I don't 11:52
25 remember his last name. A friend of Jordan's called 11:52

1 if I had hesitance or not. I wasn't surfing so 11:55

2 there wasn't as much pressure on me. 11:55

3 BY MS. HEWITT: 11:55

4 Q Before you went to Lunada Bay on 11:55

5 January 6th, had you heard about Lunada Bay? 11:55

6 A I have heard about Lunada Bay from the 11:56

7 surf community, yes. 11:56

8 Q What had you heard? 11:56

9 A I heard that it's the best and one of the 11:56

10 only true deep water big wave spots in 11:56

11 Southern California. 11:56

12 Q And when you were there on January 6th, 11:56

13 how long were you there? 11:56

14 A It's hard for me to know approximately how 11:56

15 long we were there. But I think from the time that 11:56

16 we pulled up to the time that we left, I mean, it 11:56

17 was a span of at least two hours I would think. 11:56

18 Q Okay. Is there anything specifically you 11:56

19 recall about that visit to Lunada Bay? 11:56

20 A Yeah, what specifically would you like to 11:56

21 know? 11:56

22 Q Did you come into contact with anybody who 11:56

23 harassed you that day or intimidated you? 11:56

24 A It was raining that day and very muddy and 11:56

25 there wasn't anyone out that day. 11:57

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1 Q So you didn't come in contact with anybody 11:57
2 who harassed or intimidated you that day; is that 11:57
3 correct? 11:57

4 A No, because there was no individuals out 11:57
5 that I can remember. 11:57

6 Q So yes, that's correct? 11:57

7 MR. FRANKLIN: Asked and answered. 11:57

8 THE WITNESS: It's correct that me -- that 11:57
9 I was one of the only people out there along with my 11:57
10 friend who was photographing, and there weren't 11:57
11 people there to talk to us so we were not harassed 11:57
12 since we were the only people there that I could 11:57
13 see. 11:57

14 BY MS. HEWITT: 11:57

15 Q Okay. And same question for intimidation? 11:57

16 A Yes. 11:57

17 Q And did you experience any vandalism that 11:57
18 day? 11:57

19 A No, we did not. 11:57

20 Q All right. Now, during that visit did you 11:57
21 talk with anybody who was present about any negative 11:57
22 experience at Lunada Bay? 11:57

23 MR. FRANKLIN: Vague and ambiguous. 11:57

24 THE WITNESS: I don't remember if I 11:57
25 specifically discussed that. 11:58

1 there together. 12:10

2 Q And after you heard maybe Cory's 12:10

3 conversation with somebody else, did it cause you 12:10

4 any concern? 12:10

5 A I'm sure it did. 12:10

6 Q As you sit here today, do you remember any 12:10

7 particular concern it caused you? 12:10

8 A I don't remember specifically, no. 12:10

9 Q All right. Once you went to look at the 12:11

10 conditions -- 12:11

11 A Sorry if I'm a little bit distracted. My 12:11

12 baby is kicking like crazy now. 12:11

13 Q Sure. 12:11

14 When you went to go look at the 12:11

15 conditions, did you speak to anybody, anybody talk 12:11

16 to you? 12:11

17 A Yeah, I mean, like I said, I had some 12:11

18 conversations with some people on the bluff, but I 12:11

19 kind of, I guess, get in the zone when I'm watching 12:11

20 the surf, and I was just trying to really watch and 12:11

21 gain an understanding of the conditions that day. 12:11

22 And I did have conversations with people, 12:11

23 it's just it's hard for me to remember at the moment 12:11

24 specifically what was said. 12:11

| | | | |
|----|---|---|-------|
| 25 | 0 | So at some point did you experience any | 12:11 |
|----|---|---|-------|

1 harassment or intimidation when you were there on 12:11
2 January 29th? 12:11
3 A Yes. 12:11
4 Q What was that? 12:11
5 A From what I recall when, you know, from 12:11
6 the moment that we arrived we were experiencing 12:12
7 harassment. 12:12
8 Q Okay. Can you describe what the 12:12
9 harassment was? 12:12
10 A I remember that people were circling 12:12
11 around the car when we parked and, you know, some 12:12
12 people yelled at us and said that we're kooks. And 12:12
13 there were other people, other bay boys on the bluff 12:12
14 that were looking at us and there were people 12:12
15 recording us. 12:12
16 So the situation there seemed very tense. 12:12
17 Q Let's start with the people circling your 12:12
18 car, how many people circled your car? 12:12
19 A I don't remember how many people, but I 12:12
20 remember, you know -- I remember a car driving by, I 12:12
21 remember a car driving by and having people yell at 12:12
22 us also. 12:12
23 Q Okay. How many cars drove by and yelled 12:12
24 things at you? 12:13
25 A I remember one car that yelled things at 12:13

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1 us. 12:13

2 Q Going back to the circling, is it people 12:13

3 or cars that circled your car? 12:13

4 A I know it was cars. Whether or not people 12:13

5 did that, there may have been people on bikes that 12:13

6 did that, I don't remember at the moment. 12:13

7 Q What were people shouting at you? 12:13

8 A They shouted that we were kooks. 12:13

9 Q What else? 12:13

10 A I remember at some point people telling us 12:13

11 that we can't surf there. 12:13

12 Q Is this all at the same time these things 12:13

13 are being shouted at you? 12:13

14 A I don't remember if it was at the same 12:13

15 time or not. 12:13

16 Q Where were you specifically at this 12:13

17 particular time when these things were being shouted 12:13

18 at you? 12:13

19 A Well, I specifically remember when they 12:13

20 shouted that they were kooks, I remember that we 12:14

21 were either just getting out of the car or just 12:14

22 pulling up, I don't remember specifically, but... 12:14

23 Q Did you say anything back to them? 12:14

24 A No, I didn't. 12:14

25 Q How about Jordan? 12:14

1 But going back to Santa Cruz -- yeah, I 12:36
2 don't know, I surfed at a lot of secret spots in 12:36
3 Santa Cruz with my coach that I don't even remember 12:36
4 the names of. Where else did I surf? I don't know, 12:36
5 I've surfed at a lot of spots. 12:36

6 BY MS. HEWITT: 12:36

7 Q It sounds like it. 12:36

8 A Morro Bay. Morro Bay is interesting. And 12:36
9 I've surfed -- there's a spot north of Morro Bay, 12:36
10 it's a beach break, I don't remember the name of it, 12:36
11 but I've surfed there, too. 12:36

12 Q Going back to the complaint here. Where 12:36
13 it says here, "Reed and Wright encountered members 12:36
14 of the Lunada Bay Boys," who were the Lunada Bay 12:36
15 Boys as you reference here in the complaint? 12:36

16 A I don't know the specific names of the 12:36
17 individuals. 12:37

18 Q Are you able to describe who it was that 12:37
19 screamed profanities at you on January 29, 2016? 12:37

20 A I'm not able to describe the specific 12:37
21 person that screamed profanities because I didn't 12:37
22 get to see their face for long enough, and at the 12:37
23 moment I don't remember, my memory is not very good. 12:37

24 Q Did anybody else scream profanities at you 12:37
25 other than the people in the car? 12:37

1 A At what point? 12:37
2 Q At any point on January 29, 2016. 12:37
3 A The entire day? 12:37
4 Q Yes. 12:37
5 A Yes, there were several instances. 12:37
6 Q Okay. So we went through the ones in the 12:37
7 car. 12:37

8 Let's go through the other times that 12:37
9 people screamed profanities at you on January 29, 12:37
10 2016, what was the next instance of those? 12:37

11 A I believe there was an instance of people 12:37
12 telling us that we can't surf there while we were on 12:37
13 the bluff. There was the constant harassment of 12:37
14 video cameras everywhere, recording everything. 12:38

15 What else is the question asking? I'm 12:38
16 sorry. 12:38

17 Q I wanted to go through the different 12:38
18 instances that day when people specifically screamed 12:38
19 profanities at you. For instance, in the complaint 12:38
20 a man called you a whore. When did that occur on 12:38
21 January 29th? 12:38

22 A Right, that's the words that I heard him 12:38
23 scream. That was once we were at the bottom of the 12:38
24 hill when we were on the rocky beach walking to the 12:38
25 spot where we would paddle out. 12:38

1 A I just don't remember. 12:42

2 Q Had you contacted any media prior to your 12:42

3 visit on January 29th? 12:42

4 A I had not contacted any media. 12:42

5 Q After the man came back, then what 12:42

6 happened? 12:42

7 A I just remember him, you know, yelling at 12:42

8 us more, screaming profanities. And at one point I 12:42

9 think -- he went away and I told Jordan that I 12:43

10 wanted to talk to the police. The police were 12:43

11 standing in the fort and witnessed the incident. 12:43

12 And then they ended up walking over because they saw 12:43

13 what happened, so I didn't have to go to them. 12:43

14 Q Okay. So the police came to you; right? 12:43

15 A Yes. 12:43

16 Q Then what happened when the police came? 12:43

17 A The police asked us what was going on and 12:43

18 we described what had happened. And they -- I think 12:43

19 that they asked us if we wanted to file a report. 12:43

20 And I know that I wanted to file one, and so we 12:43

21 proceeded to go up the hill to file a report. 12:43

22 Q So did you, in fact, file a report with 12:44

23 the police? 12:44

24 A We did file a report with the police, yes. 12:44

25 Q All right. Do you remember -- withdraw. 12:44

1 Are you able to describe the man who was 12:44
2 yelling at you? 12:44

3 A Yes. 12:44

4 Q Can you please describe him? 12:44

5 A I remember he was pretty short in height, 12:44
6 middle-aged, brown hair, I believe. 12:44

7 Q Anything else that you can remember in 12:44
8 describing him? 12:44

9 A That's all I can remember in describing 12:44
10 him. 12:44

11 Q When you went up the hill and -- were you 12:44
12 walking up with Jordan and the police? 12:44

13 A I think so. 12:44

14 Q And when you got to the top of the hill, 12:44
15 what did you do? 12:44

16 A I remember at one point there was more 12:44
17 police that came, and so I don't remember who filed 12:44
18 the report specifically. I don't remember if it was 12:45
19 the police that witnessed the incident or if it was 12:45
20 the police that came. But I remember that they -- 12:45
21 they detained the suspect and they -- but they -- 12:45
22 even though that they witnessed the incident they 12:45
23 did not want to arrest him because they were saying 12:45
24 they didn't hear what he said specifically even 12:45
25 though they heard him yelling. 12:45

1 And they told me that I could file a 12:45
2 citizen's arrest but that if I do file a citizen's 12:45
3 arrest I'm at risk of getting sued because people at 12:45
4 Lunada Bay have a lot of money and can hire good 12:45
5 lawyers and that will put me at risk of getting into 12:45
6 a lawsuit, and so it's not a good idea to file a 12:45
7 citizen's arrest because it will, you know, because 12:45
8 I don't need to be in a lawsuit and it's not a good 12:45
9 idea. 12:46

10 So, they dissuaded me from filing a 12:46
11 citizen's arrest. 12:46

12 Q Okay. And then you filed -- so then 12:46
13 you -- 12:46

14 A So they told me to go ahead and write a 12:46
15 report instead because it would be the same outcome 12:46
16 and that way I don't have the liability of filing a 12:46
17 citizen's arrest. 12:46

18 Q When you came up -- rather, when the 12:46
19 officers came from the fort, how many were there? 12:46

20 A I don't know how many there were. I 12:46
21 remember -- I definitely remember there was one 12:46
22 person, I don't know if there was one or two. 12:46

23 Q Officers, you don't remember how many came 12:46
24 to you and walked up the bluff with you? 12:46

25 A No. 12:46

1 Oh, that's not important, we don't want to write 12:47

2 that down; anything like that? 12:47

3 A I don't remember if that happened. 12:47

4 Q Did you -- how long did you talk to the 12:47

5 police that day? 12:47

6 A It's hard for me to say how long I spoke 12:47

7 to them for. I can guess maybe 30 minutes, I don't 12:48

8 know. 12:48

9 Q What profanities did you tell the police 12:48

10 were screamed at you? 12:48

11 A I remember something that sounded like 12:48

12 "whore," so I did tell them that. At this time, I 12:48

13 don't remember specifically what profanities were 12:48

14 screamed at. Like I said, my memory is not good and 12:48

15 I try to limit profanities in my life. But I do 12:48

16 remember, you know, being -- being very frightened 12:48

17 because I hadn't been yelled at in that manner 12:48

18 before by anyone. 12:48

19 Q Did the police ask you when you were down 12:49

20 on the beach, did they ask you where you were from? 12:49

21 A I don't know if they asked me that or not. 12:49

22 Q Do you remember them asking you where you 12:49

23 were from at any time? 12:49

24 A From what I remember when they filed the 12:49

25 report, they write down your address from your 12:49

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1 driver's license. Whether they asked me that or 12:49
2 wrote it down from my driver's license, I don't 12:49
3 remember. 12:49

4 Q All right. Did they take your driver's 12:49
5 license at the point in time when they were starting 12:49
6 to write their report or sometime before that? 12:49

7 A I think they took it from me when they 12:49
8 were writing the report. 12:49

9 Q Had they given -- excuse me. 12:49
10 Had they taken your driver's license at 12:49
11 the time you were talking about a citizen's arrest? 12:49

12 A I don't know. 12:49

13 Q Did any of your other friends tell you 12:49
14 that they saw the incident with the man screaming at 12:50
15 you and Jordan? 12:50

16 A Not that I recall. I don't think so. 12:50

17 Q All right. Did David eventually paddle 12:50
18 in? 12:50

19 A I would assume that he did, yeah, I don't 12:50
20 know what he ended up doing. 12:50

21 Q Did you tell David what happened? 12:50

22 A I think I did. 12:50

23 Q What did he say? 12:50

24 A You know, I don't remember the 12:50
25 conversation with David, so, I would assume I told 12:50

1 a lawsuit; is that what they told you? 12:51

2 A They told me that it puts liability on me. 12:51

3 Q No matter what happens, that definitely 12:51

4 puts liability on you, is that what they told you? 12:51

5 MR. FRANKLIN: Calls for legal conclusion. 12:51

6 THE WITNESS: From my understanding, what 12:51

7 they told me is that it would put me at a liability 12:51

8 for a lawsuit if it was found to be, you know -- if 12:52

9 it was found to be incorrect -- it puts me at 12:52

10 liability, but if I don't file it as a citizen's 12:52

11 arrest, then I'm not a liability. 12:52

12 BY MS. HEWITT: 12:52

13 Q Okay. So did you understand that you 12:52

14 could file a citizen's arrest; the outcome could be 12:52

15 that if it was found to not be justified that you 12:52

16 could incur liability at a later date? 12:52

17 MR. FRANKLIN:. Objection, calls for legal 12:52

18 conclusion -- 12:52

19 THE WITNESS: Um -- 12:52

20 MR. FRANKLIN: Objection, calls for legal 12:52

21 conclusion, it's also an incomplete hypothetical. 12:52

22 THE WITNESS: Yeah, I don't really know. 12:52

23 I mean, I don't understand. I'm not a lawyer so 12:52

24 it's hard for me to answer that question. I just 12:52

25 know that they dissuaded me from filing a citizen's 12:52

1 Q Okay. So in June, would you have been 12:57

2 about four and a half months pregnant or so? 12:57

3 A I don't know. I would have to calculate 12:57

4 it, I don't remember. 12:57

5 Q Do you remember being pregnant when you 12:57

6 were surfing in June, though? 12:57

7 A Yes, hmm-mm. 12:57

8 Q When was the last time you've been 12:57

9 surfing? 12:57

10 A That was about the last time. 12:57

11 Q All right. So, going back to February 5, 12:57

12 2016, I believe you told me that you went to 12:58

13 Lunada Bay to take photos of Jordan; is that 12:58

14 correct? 12:58

15 A Yes. 12:58

16 Q What made Jordan decide to go that day, to 12:58

17 go surf? 12:58

18 A You know, I don't remember what his reason 12:58

19 was to go that day. I just remember accompanying 12:58

20 him to take photos. 12:58

21 Q Did you talk to anybody at the L.A. Times 12:58

22 before February 5, 2016? 12:58

23 A I don't think so, no. 12:58

24 Q Do you have any idea as you sit here today 12:58

25 how the writer and photographer from the 12:58

1 at home from anybody at the L.A. Times? 13:07

2 A I have an e-mail with the photos from the 13:07

3 photographer. 13:07

4 Q And does that e-mail have any text in it? 13:07

5 A I would assume it has some text in it. 13:07

6 Q Have you given it to your attorneys? 13:07

7 A I don't know. I think so. 13:07

8 Q Do you have any e-mails at home from any 13:07

9 other media organizations either online or print or 13:07

10 anything like that? 13:07

11 A I've been in several articles and don't 13:07

12 several interviews, so a bunch of media have reached 13:08

13 out to me, so I have e-mails. And then I also have, 13:08

14 you know, my attorneys also arranged some of it. 13:08

15 Q Have you ever been -- withdraw. 13:08

16 Okay. With regard to the February 5th 13:08

17 visit, did you contact the City of Palos Verdes 13:08

18 Estates or the police department to tell them that 13:08

19 you were going to visit that day? 13:08

20 A I think that Jordan may have done that. 13:08

21 Q And do you know if Jordan asked for extra 13:08

22 patrols that day? 13:08

23 A I don't know if he asked for it that day. 13:08

24 Q Do you recall seeing Palos Verdes Estates 13:08

25 police there that day? 13:08

1 A I don't remember if I saw them there that 13:08
2 day or not. 13:09

3 Q And at that point in time, you'd broken 13:09
4 your arm so you could not surf; is that correct? 13:09

5 A That's correct. I had just broken it, I'm 13:09
6 sure it was still pretty painful so it wasn't 13:09
7 possible that time. 13:09

8 Q Did Jordan surf without incident as far as 13:09
9 you know? 13:09

10 A Jordan did surf without incident because 13:09
11 he was the only person out there surfing. 13:09

12 Q And is it correct that neither you or 13:09
13 Jordan were intimidated that day? 13:09

14 MR. FRANKLIN: Vague and ambiguous. 13:09

15 THE WITNESS: I don't know. I don't 13:09
16 remember if we encountered anyone on top of the 13:09
17 bluff or not. I just remember that there was no one 13:09
18 in the water. 13:09

19 BY MS. HEWITT: 13:09

20 Q Do you have a recollection of encountering 13:09
21 anybody on the bluff that intimidated you? 13:09

22 A At this time, I just -- I don't remember 13:09
23 what we did on top of the bluff, and if there was 13:09
24 anyone there or not. 13:09

25 Q Okay. 13:09

1 A So I can't say one way or the other. 13:10

2 Q I'm not asking you to say one way or the 13:10

3 other. I'm asking you to state if right now you 13:10

4 have a memory of being intimidated by someone on top 13:10

5 of the bluff. 13:10

6 MR. FRANKLIN: Vague and ambiguous. 13:10

7 THE WITNESS: I would have to think about 13:10

8 it more, I just don't know. 13:10

9 BY MS. HEWITT: 13:10

10 Q Do you remember that right now? 13:10

11 MR. FRANKLIN: Vague and ambiguous. 13:10

12 THE WITNESS: Right now, I don't remember 13:10

13 what happened on top of the bluff much, so it would 13:10

14 be hard for me to make that -- sorry. 13:10

15 BY MS. HEWITT: 13:10

16 Q Do you recall any vandalism that day? 13:10

17 A I don't recall vandalism on February 5th. 13:10

18 Q Did the police escort you down the bluff 13:10

19 that day? 13:10

20 A I don't know. 13:10

21 Q You don't remember? 13:10

22 A I don't remember. 13:10

23 Q Okay. Going to February 13th, as 13:10

24 described in your complaint, why did you decide to 13:11

25 go to Lunada Bay on February 13th? 13:11

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1 A You know, I don't remember the specific 13:11
2 reasons, but I think that Jordan wanted to go surf 13:11
3 that day and I couldn't surf; so like I said, if I'm 13:11
4 not surfing I like to take photos so it was my 13:11
5 reason for going. 13:11

6 Q Has Jordan as far as you know ever wanted 13:11
7 to go surf at Lunada Bay and has decided not to 13:11
8 because of any localism there? 13:11

9 MR. FRANKLIN: Vague and ambiguous, calls 13:11
10 for speculation. 13:11

11 THE WITNESS: Well, I was with him on 13:11
12 January 29, 2016, when we decided not to surf. 13:11

13 BY MS. HEWITT: 13:11

14 Q Prior to going on a particular day did you 13:11
15 decide to stay home because of any localism issues? 13:11

16 MR. FRANKLIN: Vague and ambiguous. 13:11

17 THE WITNESS: Well, I mean if there wasn't 13:11
18 localism there I would have been surfing there all 13:11
19 winter as often as I surf in Malibu and Ventura and 13:12
20 other places, so yeah, I would be there as often as 13:12
21 it was good. 13:12

22 BY MS. HEWITT: 13:12

23 Q Jordan specifically -- sorry, that was my 13:12
24 fault for a vague question. 13:12

25 Do you have any recollection of instances 13:12

1 parking the car. 13:38
2 BY MS. HEWITT: 13:38
3 Q Okay. Fair enough. Do you remember 13:38
4 anybody yelling any profanities at you that day? 13:38
5 MR. FRANKLIN: Vague and ambiguous. 13:38
6 THE WITNESS: During what part of the day? 13:38
7 BY MS. HEWITT: 13:38
8 Q Any part of the day that you were there. 13:38
9 A Yes. 13:38
10 Q Okay. Tell me what you recall being 13:38
11 yelled at you as far as profanities? 13:38
12 MR. FRANKLIN: Vague and ambiguous. 13:38
13 THE WITNESS: You know, I don't remember 13:38
14 the specific insults, the specific words of the 13:38
15 insults that were yelled. I mean, I just -- I 13:38
16 remember various profanities of various instances. 13:39
17 I remember when we were preparing to walk down the 13:39
18 trail, there was a man, middle-aged blond haired 13:39
19 man, and a teenage boy that were filming us and they 13:39
20 were attempting to block the pathway, and they were 13:39
21 telling us that we were done, whatever that means. 13:39
22 I do remember some people yelling at us 13:39
23 when we were on the bluff, and I don't remember much 13:39
24 of the detail at this time. 13:39
25 I remember once we were at the bottom of 13:39

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1 the hill on the beach, I remember, you know, people 13:39
2 yelling at us, yeah, everyone seemed pretty hostile. 13:40
3 BY MS. HEWITT: 13:40
4 Q When you say down to the beach, you mean 13:40
5 after you came down the bluff; right? 13:40
6 A Yes, after we came down the trail. 13:40
7 Q Down the trail, okay. 13:40
8 Did you see any police there at all 13:40
9 anytime during the day? 13:40
10 MR. FRANKLIN: Vague and ambiguous. 13:40
11 THE WITNESS: Yeah, I don't remember what 13:40
12 the situation was with the police when we arrived. 13:40
13 BY MS. HEWITT: 13:40
14 Q Okay. Were you aware that Cory Spencer 13:40
15 had asked for additional patrols to be provided by 13:40
16 the PVE P.D. for that day? 13:40
17 MR. FRANKLIN: Vague and ambiguous, lacks 13:40
18 foundation. 13:40
19 THE WITNESS: I don't know, I don't 13:40
20 remember at the time if I was aware of that or not. 13:40
21 BY MS. HEWITT: 13:40
22 Q Were you aware that he had asked for extra 13:40
23 patrols be provided before the January 29th visit? 13:41
24 MR. FRANKLIN: Vague and ambiguous, lacks 13:41
25 foundation. 13:41

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1 MR. FRANKLIN: Vague and ambiguous. 13:42

2 THE WITNESS: Specifically, what would you 13:42

3 like to know? 13:42

4 BY MS. HEWITT: 13:42

5 Q Specifically, my question is about: Do 13:42

6 you remember being approached by individual 13:42

7 defendants with a case of beer? 13:42

8 A Yes. 13:42

9 Q What do you remember about being 13:42

10 approached by individual defendants with a case of 13:42

11 beer? 13:42

12 A I remember that they approached me very 13:42

13 rapidly and I was caught by surprise. I remember 13:42

14 that they rushed towards me in a hostile manner. I 13:42

15 remember, you know, declining that I wanted to drink 13:43

16 beer. I remember being videotaped by 13:43

17 Brant Blakeman. I remember there were times when I 13:43

18 was being videotaped very close to my face and it 13:43

19 felt very intimidating and definitely felt like I 13:43

20 was being harassed. And I think that I asked them, 13:43

21 you know, why they're videotaping me because it made 13:43

22 me very uncomfortable. 13:43

23 I remember Mr. Johnston opening the can of 13:43

24 beer in a way that sprayed my arm and my camera. I 13:43

25 remember him chucking beer and throwing beer cans on 13:44

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1 the floor. I remember him being very loud and very 13:44
2 scary, very intimidating, and acting in a sexual 13:44
3 manner. 13:44

4 Q Where did this take place? 13:44

5 A These events took place in the fort. 13:44

6 Q Okay. When -- why did you go to the fort 13:44
7 initially? 13:44

8 A I initially went to the fort to take 13:44
9 photographs of Jordan, as he was surfing. 13:44

10 Q Okay. When you went to the fort, were 13:44
11 there already people in the fort? 13:44

12 A I don't remember if there was already 13:44
13 someone in the fort or not when I first went into 13:44
14 the fort. 13:44

15 Q Do you have any recollection of there 13:44
16 being anybody in the -- in the fort area when you 13:45
17 went to the fort? 13:45

18 MR. FRANKLIN: Vague, ambiguous. 13:45

19 THE WITNESS: I don't remember if there 13:45
20 was someone as I was walking into the fort. I do 13:45
21 remember having conversations with a certain man in 13:45
22 the fort prior to these two individuals, but whether 13:45
23 he was there as I was walking up the steps I don't 13:45
24 remember that detail. 13:45

25 ///

1 BY MS. HEWITT: 13:45

2 Q Okay. And the man who you said you had a 13:45

3 conversation with, can you describe that man? 13:45

4 A It's hard for me to remember the details 13:45

5 specifically, but I remember that he was a man, 13:45

6 middle-aged man, from what I recall, dark hair, he 13:45

7 did not appear to be intoxicated. Just, you know, 13:45

8 ordinary-looking middle-aged man, nothing unusual 13:46

9 about him. 13:46

10 Q Okay. And what was the conversation you 13:46

11 had with him? 13:46

12 A He started asking me a lot of questions 13:46

13 and it was a little bit uncomfortable because I felt 13:46

14 as though I was being interrogated and I didn't 13:46

15 quite understand why because I was just there to 13:46

16 enjoy the beach and take photos. 13:46

17 Q About how long did that conversation last? 13:46

18 A It's hard for me to say how long it 13:46

19 lasted. I would say it lasted maybe ten minutes, 13:46

20 probably not more than 30. I don't remember 13:46

21 specifically how long it took. 13:46

22 Q What was Jordan doing at this time? 13:46

23 A I think Jordan was already surfing. I'm 13:47

24 not sure if he was already surfing, but I know that 13:47

25 he was paddling out and he might have been sitting 13:47

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1 and waiting for waves, I don't remember. 13:47

2 Q Were you alone? 13:47

3 A From what I remember, I think so. I think 13:47

4 that -- I think that I would be the only person 13:47

5 there with him, I'm not -- I'm not sure. 13:47

6 Q Was anybody else surfing at the time? 13:47

7 A I don't know, I don't remember that. I 13:47

8 know that, you know, there were people changing as I 13:47

9 was walking there, but who was in the water I don't 13:47

10 remember at this time. 13:47

11 Q With regard to the man -- sorry, the 13:47

12 individual defendants who approached you with a case 13:47

13 of beer, do you know who those individual defendants 13:47

14 were? 13:47

15 A I know who they are now. 13:47

16 Q Okay. Who are they? 13:47

17 A Brant Blakeman and Jalian Johnston. 13:47

18 Q Did they discuss the L.A. Times article at 13:48

19 all with you? 13:48

20 A They made statements related to the 13:48

21 L.A. Times article, yes. 13:48

22 MR. CAREY: Objection, vague as to "they." 13:48

23 BY MS. HEWITT: 13:48

24 Q Do you remember who it was that made 13:48

25 statements to you about the L.A. Times article? 13:48

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1 THE WITNESS: I'm having trouble 13:49

2 understanding to when you're asking me specifically. 13:49

3 BY MS. HEWITT: 13:49

4 Q How long were you in the fort after you 13:49

5 were approached with the case of beer? 13:49

6 A I don't remember. It's hard for me to 13:49

7 pinpoint exact amount of time. 13:50

8 Q Do you recall trying to leave the fort and 13:50

9 being unable to do so because you were blocked? 13:50

10 MR. FRANKLIN: Vague and ambiguous. 13:50

11 THE WITNESS: I recall them standing in 13:50

12 front of me, and the way to leave would be to go, 13:50

13 you know, to get close to them. And I do recall 13:50

14 attempting to call the police but not having cell 13:50

15 phone service. 13:50

16 BY MS. HEWITT: 13:50

17 Q Okay. In your complaint you say that 13:50

18 Johnston poured beer on your arm. Is that separate 13:50

19 from what you told me earlier where that he sprayed 13:50

20 your arm and your camera with beer? 13:50

21 A No, that's the same. 13:50

22 Q Same thing? 13:50

23 A Hmm-mm. 13:50

24 Q So he didn't separately pour beer on your 13:50

25 arm as opposed to spraying your arm and your camera? 13:50

1 filming me with his camera. 13:52

2 Q Okay. Okay. At any point, did you walk 13:52

3 away when they were making the, I think you said, 13:52

4 sexual references to you; were you able to walk away 13:52

5 at that point and exit the fort? 13:52

6 MR. FRANKLIN: Vague and ambiguous. 13:52

7 THE WITNESS: I was not able to exit the 13:52

8 fort, I was frozen in fear. 13:52

9 BY MS. HEWITT: 13:52

10 Q All right. At some point, were you able 13:52

11 to leave the fort? 13:53

12 A I was able to leave the fort at some 13:53

13 point, yes. 13:53

14 Q Can you tell me what the sexual comments 13:53

15 were that were made to you that you referenced 13:53

16 earlier? 13:53

17 A I don't remember all of them. 13:53

18 Q I understand. 13:53

19 A I do remember asking, you know, why I was 13:53

20 being filmed and, you know, being told that they're 13:53

21 filming me because I'm sexy. I remember 13:53

22 Mr. Johnston saying that he's big enough to get the 13:53

23 job done while, you know, also, you know, he was 13:53

24 also grunting and making -- making moans and noises 13:53

25 resembling, you know, an orgasm. He was, you know, 13:54

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1 thrusting and rubbing his torso in a sexual manner, 13:54
2 just acting in a very -- very frightening way. 13:54
3 Q Was there anybody else in the fort or fort 13:54
4 area during this time who wasn't part of the group 13:54
5 of men? 13:54
6 A What do you mean by the group of men? 13:54
7 Q Were there any women down there as well? 13:54
8 A Yes, there was a woman down there. 13:54
9 Q Who was that? 13:54
10 A Woman named Jen. 13:54
11 Q Was she a friend of yours? 13:54
12 A No. 13:54
13 Q Did you just meet her that day? 13:54
14 A Yes, sir. 13:54
15 Q How did you meet Jen that day? 13:54
16 A Jen walked into the fort when we were 13:54
17 there. 13:54
18 Q Did she walk into the fort while the men 13:54
19 were talking to you? 13:54
20 A Which men? 13:54
21 Q Any of the men. 13:54
22 A Which men specifically? I don't know, I 13:54
23 was approached by many men. 13:54
24 Q Okay. Did you -- did Jen walk into the 13:54
25 fort prior to you being approached by the 13:55

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1 told them what had happened down there. 13:58

2 Q Okay. And what did the police officer do? 13:58

3 A He -- he listened to what I had to say 13:58

4 and, you know, I don't remember the exact sequence 13:58

5 of events. I know he eventually took a report. I 13:58

6 don't know if he took the report or if someone else 13:58

7 took a report but I know a report was taken, and I 13:58

8 know that at one point a police officer escorted me 13:58

9 back down the trail to try and see if those 13:58

10 individuals were still down there and try to 13:58

11 identify them. 13:58

12 Q Do you remember how many police officers 13:58

13 there were? 13:58

14 A I don't, no. 13:58

15 Q Do you remember at some point there being 13:59

16 three or four? 13:59

17 A I don't remember the amount. 13:59

18 Q All right. Did you ask the police officer 13:59

19 to do anything specific? 13:59

20 A What I remember is I remember telling them 13:59

21 what happened and I remember filing the report and I 13:59

22 remember going down there to try and identify the 13:59

23 individual. 13:59

24 Q And were you able to -- I'm sorry I 13:59

25 interrupted you? 13:59

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1 A No, no problem. 13:59

2 He wasn't down there when we went down 13:59

3 there; all we found was a broken board that 13:59

4 resembled the board that I had seen him use. 13:59

5 Q Did you go back down to the fort? 13:59

6 A I went back down there with the police. 13:59

7 Q Were there people in the fort still? 13:59

8 A There were some people in the fort, 13:59

9 Charlie was down there as well. 13:59

10 Q How do you know that was Charlie? 13:59

11 A Because the police said, "Hi, Charlie" and 13:59

12 apparently the police said that he knew him. 14:00

13 Q Okay. 14:00

14 MS. HEWITT: What time is it? Where are 14:00

15 we at? Are we at 3:30? 14:00

16 MR. FRANKLIN: I have 3:31, but -- 14:00

17 THE VIDEOGRAPHER: Yes, that's probably 14:00

18 it. 14:00

19 MS. HEWITT: We're concluding. 14:00

20 THE VIDEOGRAPHER: Okay. This concludes 14:00

21 Volume 1 deposition of Ms. Diana Milena Reed, we are 14:00

22 off the record at 2:00 o'clock. 14:00

23 (Whereupon the deposition was concluded at

24 2:00 p.m.)

25

I, DIANA MILENA REED, do solemnly declare
under penalty of perjury that the foregoing is my
deposition under oath; that these are the questions
asked of me and my answers thereto; that I have read
same and have made the necessary corrections,
additions, or changes to my answers that I deem
necessary.

It witness thereof, I hereby subscribe my
name this day of _____, 2016.

WITNESS SIGNATURE

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Certification of Court Reporter

Federal Jurat

I, the undersigned, a Certified Shorthand Reporter of the State of California do hereby certify:

That the foregoing proceedings were taken before me at the time and place herein set forth; that any witnesses in the foregoing proceedings, prior to testifying, were placed under oath; that a verbatim record of the proceedings was made by me using machine shorthand which was thereafter transcribed under my direction; further, that the foregoing is an accurate transcription thereof.

That before completion of the deposition, a review of the transcript [x] was [] was not requested. I further certify that I am neither financially interested in the action nor a relative or employee of any attorney of any of the parties.

IN WITNESS WHEREOF, I have this date subscribed my name.

Dated: November 3, 2016



Jimmy Rodriguez, RPR

Certificate Number 13464

1 UNITED STATES DISTRICT COURT
2 CENTRAL DISTRICT OF CALIFORNIA
3 WESTERN DIVISION
4
5 CORY SPENCER, an individual; DIANA)
6 MILENA REED, an individual; and)
7 COASTAL PROTECTION RANGERS, INC., a)
California non-profit public benefit)
corporation,) Case No.
8) 2:16-cv-02129-SJO-RAO
Plaintiffs,)
9 vs.)
10 LUNADA BAY BOYS, et al.,)
Defendants.)
_____)

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VIDEOTAPED DEPOSITION OF DIANA MILENA REED
VOLUME II
Santa Monica, California
Tuesday, October 25, 2016

REPORTED BY:
Jimmy S. Rodriguez
CSR No. 13464

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

CORY SPENCER, an individual; DIANA)
MILENA REED, an individual; and)
COASTAL PROTECTION RANGERS, INC., a)
California non-profit public benefit)
corporation,) Case No.
) 2:16-cv-02129-SJO-RAO
Plaintiffs,)
)
vs.)
)
LUNADA BAY BOYS, et al.,)
)
Defendants.)
)

Videotaped deposition of DIANA MILENA REED, Volume II,
taken before Jimmy Rodriguez, a Certified Shorthand
Reporter for the State of California, with principal
office in the County of Orange, commencing at 9:24 a.m.,
Tuesday, October 25, 2016 at Premier Business Centers -
The Water Garden, 2425 Olympic Boulevard, Suite 4000,
Santa Monica, California.

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7
8 Also Present:

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1 Tuesday, October 25, 2016, 9:24 a.m.

2 Santa Monica, California

3 09:20

4 THE VIDEOGRAPHER: Good morning, we are on 09:24

5 the record at 9:24 a.m. on October 25th, 2016. This 09:24

6 is the video recorded deposition of Diana Milena 09:24

7 Reed, Volume 2. My name is James Koralek here with 09:24

8 our court reporter, Jimmy Rodriguez, we are here 09:24

9 from Veritext Legal Solutions by the request of the 09:24

10 defendant. 09:25

11 This deposition is being held at Premier 09:25

12 Business Center, 2425 Olympic Boulevard, Suite 4000, 09:25

13 in Santa Monica, 90404. The caption of the case is 09:25

14 Spencer, et al., versus Lunada Bay Boys, et al. 09:25

15 Case number 2:16-CV-02129-SJO-RAO. 09:25

16 Please note that audio and video recording 09:25

17 will take place unless all parties agree to go off 09:25

18 the record. 09:25

19 Microphones are sensitive and may pick up 09:25

20 whispers and private conversations and cellular 09:25

21 interference. I'm not authorized to administer an 09:25

22 oath, I'm not related to any party in this action, 09:25

23 nor am I financially interested in the outcome in 09:25

24 any way. 09:25

25 If there are any objections to proceeding, 09:25

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Exhibit B, page 53

1 please state them at the time of your appearance 09:26
2 beginning with the noticing attorney. 09:26
3 09:26
4 EXAMINATION 09:26
5 BY MS. HEWITT: 09:26
6 Q Ms. Reed, do you understand that you're 09:26
7 still under oath today? 09:26
8 A Yes. 09:26
9 MS. HEWITT: All right. Let's get a quick 09:26
10 rundown of who's here today. 09:26
11 Antoinette Hewitt for the City and for 09:26
12 Chief Kepley. 09:26
13 MR. DIEFFENBACH: Richard Dieffenbach for 09:26
14 Brant Blakeman, defendant. 09:26
15 MS. VU: Jackie Vu for Defendant Sang Lee. 09:26
16 MS. LUTZ: Tera Lutz for Defendant 09:26
17 Sang Lee. 09:26
18 MR. FIELDS: Mark Fields for Angelo 09:26
19 Ferrara and NF. 09:26
20 MR. HAVEN: Peter Haven for Michael 09:26
21 Papayans. 09:26
22 MR. CAREY: Pat Carey for Defendant Alan 09:26
23 Johnston. 09:26
24 MR. FRANKLIN: Kurt Franklin on behalf of 09:26
25 Diana Milena Reed and the other plaintiffs in this 09:26

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1 other people in there including Jen, do you recall 09:35
2 Jen? 09:35
3 A Yes, which date are we referring to? 09:36
4 Q February 13th. 09:36
5 A Okay. 09:36
6 Q All right? 09:36
7 I think you told me yesterday that you 09:36
8 wanted to call the police but that you got no cell 09:36
9 signal; is that correct? 09:36
10 A Hmm-mm. 09:36
11 Q Yes? 09:36
12 A Yes. 09:36
13 Q Why were you trying to call the police? 09:36
14 A I wanted to call the police because I was, 09:36
15 you know, I felt threatened and scared and I mean, I 09:36
16 felt like anything could happen. I was extremely 09:36
17 uncomfortable in the situation. 09:36
18 Q If you had gotten through to the police, 09:36
19 what did you intend to tell them? 09:36
20 A I just intended to tell them, you know, 09:36
21 what had happened. 09:36
22 Q Were you going to ask for help? 09:36
23 A Yes. 09:36
24 Q What kind of help would you ask for? 09:36
25 A For them to -- to come down to the fort 09:36

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1 and make sure nothing happens to me, and I was going 09:36
2 to tell them about the incident with the beer being 09:36
3 sprayed on me and, you know, just have them help me. 09:37
4 Q Did you want them to escort you back up or 09:37
5 did you want them to stay with you down at the fort? 09:37
6 A I don't think I contemplated that. I just 09:37
7 wanted someone to help, whatever that means. 09:37
8 Q Did you want to leave? 09:37
9 A I'm sure I did. I don't know. 09:37
10 Q At the same time, when you were -- this 09:37
11 time when you were in the fort, did you witness any 09:37
12 harassment towards Jen? 09:37
13 A I did, yes. 09:37
14 Q What did you witness? 09:37
15 A I witnessed Mr. Johnston moaning towards 09:37
16 her, oscillating his body in a sexual manner, you 09:37
17 know, other things, but it's hard for me to remember 09:38
18 because I was mostly focused on what was happening 09:38
19 to me and I was so scared that I, you know, I wasn't 09:38
20 thinking very clearly. 09:38
21 Q What you said right now as to what you 09:38
22 witnessed -- the harassment you witnessed towards 09:38
23 Jen, is that separate and apart from any actions 09:38
24 that Mr. Johnston did towards you if, in fact, he 09:38
25 did any? 09:38

| | | | |
|----|---|---|-------|
| 1 | A | I think that I wanted an escort at the | 09:40 |
| 2 | | time because of the previous incident in January | 09:40 |
| 3 | | where I was yelled at by the other individual. | 09:41 |
| 4 | Q | Okay. What did you want the escort for? | 09:41 |
| 5 | A | For safety. | 09:41 |
| 6 | Q | Did you want the escort to stay with you | 09:41 |
| 7 | | down on the beach? | 09:41 |
| 8 | A | I don't know if I wanted them to stay with | 09:41 |
| 9 | | me but I do know that I wanted them to escort me | 09:41 |
| 10 | | down there. | 09:41 |
| 11 | Q | That you wanted them to walk down with | 09:41 |
| 12 | | you? | 09:41 |
| 13 | A | Yes. | 09:41 |
| 14 | Q | And how long did you anticipate needing an | 09:41 |
| 15 | | escort that day? | 09:41 |
| 16 | A | I don't know. I don't know if I | 09:41 |
| 17 | | anticipated a time. | 09:41 |
| 18 | Q | Did you want the escort to stay with you | 09:41 |
| 19 | | while you took photographs? | 09:41 |
| 20 | A | I don't remember that. | 09:41 |
| 21 | Q | Did you want the escort to go to the fort | 09:41 |
| 22 | | with you? | 09:41 |
| 23 | A | I did want them to escort me there. | 09:41 |
| 24 | Q | At the time that you wanted the escort, | 09:41 |
| 25 | | did you know whether anybody was in the fort that | 09:41 |

1 day? 09:41

2 A I did not. 09:41

3 Q All right. What specifically did you ask 09:41

4 when you asked for the police escort? 09:41

5 A It's hard for me to remember right now, 09:41

6 because I don't remember the conversation too well. 09:42

7 Q Okay. Please tell me everything you 09:42

8 remember about that conversation. 09:42

9 A I just remember -- yeah, I just remember 09:42

10 speaking to the police and requesting someone to 09:42

11 escort me. I remember, you know, the idea of doing 09:42

12 that, but it's hard for me to remember, you know, 09:42

13 anything that was said specifically. 09:42

14 Q Did you talk to a man or a woman? 09:42

15 A I don't remember. 09:42

16 Q Did you say you called on the phone? 09:42

17 A I think so. 09:42

18 Q Okay. Is there another means by which you 09:42

19 think you may have contacted the police that day? 09:42

20 A I mean, I don't think it was via e-mail so 09:42

21 I'm assuming it must have been on the phone. It 09:42

22 wasn't in person. 09:42

23 Q Okay. And are you aware that -- I think 09:42

24 we talked a little bit about this yesterday 09:42

25 actually. I think you told me yesterday you were 09:43

1 can remember right now, I think. 09:45

2 BY MS. HEWITT: 09:45

3 Q At some point later on February 13th, you 09:45

4 did make contact with the police officer; is that 09:45

5 correct? 09:45

6 A I did make contact with the police officer 09:45

7 on that day, yes. 09:45

8 Q When you first made contact with them 09:45

9 later that day, did you tell them that you had asked 09:45

10 for an escort that day? 09:45

11 A I don't know. 09:45

12 Q When you -- going back to your 09:45

13 conversation when you asked for the police escort, 09:45

14 when they refused your request, what words did they 09:45

15 use in refusing your request? 09:45

16 A I don't remember exactly why they weren't 09:45

17 available. 09:45

18 Q Did they tell you they weren't available 09:45

19 or did they refuse your request? 09:45

20 A Is there a difference between that? 09:45

21 Q I'm asking -- I'm looking at your 09:45

22 complaint and the complaint says they refused your 09:46

23 request, so I'm trying to clarify. 09:46

24 Did they say, No, you may not have an 09:46

25 escort? 09:46

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1 didn't tell him? 09:50

2 A I think I was just too upset to talk, I 09:50

3 don't remember. 09:50

4 Q Were you with him at any time between the 09:50

5 time in the fort and the time that you spoke to the 09:50

6 police officer? 09:50

7 A I don't remember, I don't remember how I 09:50

8 got up the hill. I don't remember that part. I 09:50

9 just remember that he was done surfing, I remember 09:50

10 him paddling in, and I remember at some point after 09:50

11 that Jalian paddled out and left and I felt like it 09:51

12 was safe to go back up the hill. Whether Jordan was 09:51

13 with me or not as I was going up the hill, I don't 09:51

14 remember. 09:51

15 Q Do you have any recollection of Jordan 09:51

16 saying, Hey, what's wrong, you seem upset, or 09:51

17 anything like that? 09:51

18 A No, I don't remember that part 09:51

19 unfortunately. 09:51

20 Q When you found the officer, was it just 09:51

21 one officer in a police car, was it a police car? 09:51

22 A Yeah, from what I remember it was a just 09:51

23 one officer in the car, but I don't know, there may 09:51

24 have been two, but I remember -- my memory right now 09:51

25 is speaking to one officer. 09:51

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1 So yes, all I can ask you is what you do 09:53
2 remember. I can't ask you to tell me what you don't 09:53
3 remember. So tell me what you do remember telling 09:53
4 the officer in that conversation. 09:53

5 A Okay. I remember -- you know, again, it's 09:53
6 hard for me because I don't remember the 09:53
7 conversation with the officer word-for-word at this 09:53
8 time. I can tell you what I remember at this time 09:53
9 from the event. 09:53

10 Q As opposed to telling me what you remember 09:53
11 about the conversation? 09:53

12 A Well, I mean, I do remember telling him 09:53
13 about the two individuals whose names I didn't know 09:53
14 at the time. 09:53

15 Q What did you tell him about the two 09:53
16 individuals? 09:53

17 A I know that I described them entering the 09:53
18 fort and I described them spraying the beer on my 09:54
19 arm and my camera and attempting to, you know, 09:54
20 intimidate me and destroy the camera and attempting 09:54
21 to harass me, being intimidating, you know, 09:54
22 basically the stuff that's written in the complaint. 09:54

23 I know that they asked for descriptions so 09:54
24 I remember providing them with descriptions to the 09:54
25 best of my knowledge. Time frames I think they 09:54

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1 asked me, which I gave them. And yeah, I don't 09:54

2 know, I tried to describe the incident as best as I 09:54

3 could, I was extremely shaken up and upset, so. 09:55

4 Q When you say you told them that you were 09:55

5 harassed, did you say you were harassed or did you 09:55

6 describe any harassment? 09:55

7 A Yeah, I described the specific events that 09:55

8 made me believe that I was harassed. 09:55

9 Q You told me that you described -- their 09:55

10 entering into the fort, spraying beer on your arm 09:55

11 and your camera, attempting to intimidate you. 09:55

12 What did you say about how they attempted 09:55

13 to intimidate you? 09:55

14 A I don't remember, again, specifically what 09:55

15 I told the policeman at this time. I remember them 09:55

16 trying to intimidate me by holding the camera right 09:55

17 up to my face, you know, two feet from my face and, 09:55

18 you know, chugging beer and throwing it on the 09:55

19 ground, yelling, moaning, saying sexual comments; I 09:55

20 mean, there was a bunch of behavior that happened 09:56

21 there that was pretty disturbing to me. 09:56

22 Q Is it correct, though, you're not certain 09:56

23 whether you told the police officers any of that 09:56

24 specifically right now, that right now you don't 09:56

25 recollect that? 09:56

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1 MR. FRANKLIN: Misstates prior testimony. 09:56
2 THE WITNESS: I know that I described the 09:56
3 event as best that I could at the time to the 09:56
4 police. 09:56
5 BY MS. HEWITT: 09:56
6 Q Okay. Is that the extent of your 09:56
7 recollection of that conversation with the police? 09:56
8 MR. FRANKLIN: Asked and answered. 09:56
9 THE WITNESS: At this time, yes. 09:56
10 BY MS. HEWITT: 09:56
11 Q Is there anything that you think that 09:56
12 you'd be able to do that would refresh my memory at 09:56
13 all? 09:56
14 A I mean, I think if I wasn't dealing with 09:56
15 nine months of pregnancy and not being able to 09:56
16 remember anything and not sleeping and not dealing 09:56
17 with depression, I think I could remember a lot 09:56
18 more. 09:56
19 Q Okay. And I understand -- 09:56
20 A So I mean, it's just -- it's tough. 09:57
21 Q I understand. This is my only opportunity 09:57
22 to ask you what happened in that conversation so I'm 09:57
23 sure you understand that as well. 09:57
24 A Yeah, I'm doing my best but it's just I -- 09:57
25 I can barely remember to bring a snack and water 09:57

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1 bottle and tie my shoes, so it's not easy. 09:57

2 Q Let's move on to Paragraph 27 for now, 09:57

3 maybe we'll circle back to that. Paragraph 27 says, 09:57

4 "Palos Verdes Estates initially attempted to 09:57

5 investigate the incident"; do you see that? 09:57

6 A Yes. 09:57

7 Q If we skip down to Line 18 it says, "The 09:57

8 Palos Verdes Estates police officer then offered to 09:57

9 allow Reed to identify the other men from photos 09:57

10 that the police kept on all members of Lunada Bay 09:57

11 Boys. But ultimately Palos Verdes Estates police 09:57

12 showed no interest or ability in following up on 09:57

13 Reed's complaint"; do you see that? 09:57

14 A Yes. 09:57

15 Q That's not true, is it? 09:57

16 MR. FRANKLIN: Argumentative. 09:57

17 THE WITNESS: Why do you say that? 09:57

18 BY MS. HEWITT: 09:57

19 Q Did you eventually have an opportunity to 09:57

20 review a photo lineup? 09:58

21 MR. FRANKLIN: Lacks foundation. 09:58

22 THE WITNESS: Yes, but that's not what is 09:58

23 written here. 09:58

24 BY MS. HEWITT: 09:58

25 Q That ultimately they showed no interest or 09:58

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1 ability in following up on Reed's complaint. At the 09:58
2 time of this complaint, had you seen a photo lineup 09:58
3 yet? 09:58

4 A I don't know at what point I saw the photo 09:58
5 lineup. But I think this is referring to a book 09:58
6 that they told me about. They told me that they 09:58
7 know all the people that frequent the area, this is 09:58
8 what the policeman told me that I was speaking to 09:58
9 when I filed the report. 09:58

10 Q Okay. So you have a specific recollection 09:58
11 of that; right? 09:58

12 A Yes, I do, of the book. 09:58

13 Q That specific conversation, tell me 09:58
14 everything you remember with specificity just like 09:58
15 you gave me right now. 09:58

16 A I remember -- the problem was I didn't 09:58
17 know the names of the individuals that did this to 09:58
18 me, and so I had to describe them. And I was upset 09:58
19 that they were filming me and, you know, in the heat 09:58
20 of the moment in the fear that I was in, I wasn't 09:59
21 thinking straight but I should have pulled out my 09:59
22 phone or something and taken a photo of them so they 09:59
23 could identify them. 09:59

24 But anyway, so I couldn't identify them, 09:59
25 and the policeman that I was speaking to -- and I 09:59

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1 don't know if this was the same one that I wrote the 09:59
2 report with or not because I don't know if -- there 09:59
3 was more than one -- but if there was just one, then 09:59
4 it was the same one. 09:59

5 He told me that they have photos of all 09:59
6 the individuals that frequent Lunada Bay, that they 09:59
7 have a book of photos and that it won't be a problem 09:59
8 to identify the individuals because they know the 09:59
9 people that frequent the area. 09:59

10 Q Okay. At some point, were you -- did you 09:59
11 feel like you were not given the opportunity to try 09:59
12 to identify the individuals from any photos that the 09:59
13 PVE Police Department may have had? 10:00

14 A I do feel like that because he had made me 10:00
15 feel that it would be very simple to do because 10:00
16 there was a book that I could look through, and he 10:00
17 made me feel that it would be easy to find a photo 10:00
18 of this individual. 10:00

19 Q What did he say specifically that made you 10:00
20 feel that it would be simple? 10:00

21 A He seemed very assuring that they knew 10:00
22 pretty much everyone that frequents the area or 10:00
23 surfs down there. And he seemed assuring that it 10:00
24 would be simple to look through this book and 10:00
25 identify him. 10:00

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1 Q Is that what he told you, or is that what 10:00
2 you felt about the conversation? 10:00
3 A He told me something along those lines, 10:00
4 but I don't remember his specific wording. 10:00
5 Q When was this conversation? 10:00
6 A This conversation was after the incident 10:01
7 on February 13th. 10:01
8 Q When you say "after," do you mean it 10:01
9 happened on February 13th but after the incident or 10:01
10 some other day? 10:01
11 A It happened on February 13th after the 10:01
12 incident after I had walked up to the top of the 10:01
13 bluff. 10:01
14 Q Okay. All right. So this is -- is your 10:01
15 memory being jogged now as you're remembering 10:01
16 additional things about the conversation? 10:01
17 A Well, you had asked me previously what I 10:01
18 had told him about the incident. 10:01
19 Q True, good point. 10:01
20 A So, I mean, this is a separate memory for 10:01
21 me. 10:01
22 Q Good point. 10:01
23 So if there's anything else that you 10:01
24 discussed with the police officer, I'd appreciate it 10:01
25 if you can tell me that so we'll go through the 10:01

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1 photo part here. 10:01

2 Tell me any memories you have of anything 10:01

3 specific that the police officer told you about the 10:01

4 photos. 10:01

5 MR. FRANKLIN: Vague and ambiguous. 10:01

6 THE WITNESS: I think that he told me that 10:01

7 they're driver's license photos from what I recall, 10:02

8 or some kind of mug shot. And that there's a book 10:02

9 with photos of the individuals that surf down there 10:02

10 and frequent the area. 10:02

11 And, you know, he also told me that they 10:02

12 know a lot of them if not most of them, and so that 10:02

13 it wouldn't be hard to find out who this person is. 10:02

14 So the fact that I didn't take a photo of them or 10:02

15 have any way to show a photo of the face that that 10:02

16 wasn't a problem because I would be able to identify 10:02

17 them in an easy way because they had this 10:02

18 information available. 10:02

19 BY MS. HEWITT: 10:02

20 Q So he said that to you, that it was no 10:02

21 problem that you hadn't taken a photo because it 10:02

22 would be easy to identify them? 10:02

23 A He didn't say that word-for-word, but that 10:02

24 is the, you know -- that's what he expressed to me. 10:02

25 Q Okay. All right. So in the conversation 10:03

1 have any understanding of what took place after -- 10:07
2 withdraw. 10:07
3 At the lineup, did you identify any 10:07
4 individuals through the lineup? 10:07
5 MR. FRANKLIN: Lacks foundation. 10:07
6 THE WITNESS: I circled a photo. 10:07
7 BY MS. HEWITT: 10:07
8 Q As you sit here today, do you know who 10:07
9 that photo was of? 10:07
10 A The photo appeared to be an individual 10:07
11 that I now know as Jalian Johnston. 10:07
12 Q Okay. 10:07
13 A But I didn't give them any names at the 10:07
14 time, I don't think that they asked me. 10:07
15 Q Okay. 10:07
16 A And I don't know if I knew or not by the 10:07
17 time. 10:07
18 Q All right. Once you picked out the 10:07
19 photograph, what happened next? 10:08
20 A I think I was asked to leave. I don't 10:08
21 remember. 10:08
22 Q Were you told what was -- any of the next 10:08
23 steps would be, anything like that? 10:08
24 A I don't remember. I just remember that it 10:08
25 was very brief, but as far as what conversation I 10:08

1 to try to reach the detectives so I could schedule a 10:15
2 time to come in and identify the suspect. 10:15
3 BY MS. HEWITT: 10:15
4 Q Okay. So you called to try and reach a 10:15
5 detective, did you leave a message? 10:15
6 A I don't know. I may have left a message. 10:15
7 Q You're not sure? 10:15
8 A I'm not sure. 10:15
9 Q Which detective were you trying to reach? 10:15
10 A Detective Venegas. 10:15
11 Q When was the next time you tried to 10:15
12 contact the police? 10:15
13 A Well, I don't think I gave you an exact 10:15
14 date for that one because I don't remember the exact 10:15
15 date. 10:15
16 Q I know, I agree. When was -- regardless 10:15
17 of when the date of that was when you called and 10:16
18 maybe left a message, maybe not; the next time after 10:16
19 that, what was the next time? 10:16
20 A I don't remember, I just remember I called 10:16
21 them a few times but I don't remember the exact 10:16
22 dates, exact time frame. 10:16
23 Q Okay. Do you remember if you left a 10:16
24 message during any of those subsequent times? 10:16
25 A I don't, no. 10:16

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1 Q When you would call to try to get ahold of 10:17
2 Detective Venegas, what would you say to the person 10:17
3 who answered the phone? 10:17

4 A I don't remember specifically what I would 10:18
5 say at this time, but I would assume that I asked 10:18
6 for him or I would explain, you know, that I'm 10:18
7 trying to reach someone to help me identify the 10:18
8 suspects related to the incident. 10:18

9 Q At some point -- so let's make sure we get 10:18
10 all these there. 10:18

11 If you were to give me an estimate of how 10:18
12 many times you called the department between 10:18
13 February 13th and the time you came in for the 10:18
14 lineup, what would that be? 10:18

15 A Well, I probably called maybe three times, 10:18
16 and, you know, I remember then eventually I 10:18
17 proceeded to retain my attorneys because I felt like 10:18
18 that was the only course of action I could take 10:18
19 because the police weren't helping me. 10:18

20 Q That's why you retained your attorneys? 10:18

21 A That was one of the reasons why. 10:18

22 Q When you say that you felt that was the 10:18
23 only course of action that you could take, what do 10:18
24 you mean by that? 10:18

25 A That that was the only way that I could 10:18

1 get help. 10:18

2 Q What kind of help? 10:19

3 A To try to identify the suspect and, you 10:19

4 know, try to stop the harassment at Lunada Bay. 10:19

5 Q So you also wanted to stop harassment at 10:19

6 Lunada Bay; that's why you retained counsel? 10:19

7 A That was one of the reasons, yeah, to stop 10:19

8 harassment and, you know, make the public beach 10:19

9 truly public for everyone. 10:19

10 Q And when did you start forming that idea 10:19

11 in your head that you wanted to retain counsel? 10:19

12 A I don't remember when. 10:19

13 Q So you know it was sometime between 10:19

14 February 13th and the March 10th letter; right? 10:19

15 A I don't remember when I first met with Vic 10:19

16 so it would be hard for me to put exact dates on it. 10:19

17 Q But it would be before March 10th; right? 10:19

18 A March 10th was what? 10:19

19 Q The date of his letter to the City that 10:19

20 you looked at, do you want me to show it to you? 10:19

21 A No, I remember the letter more or less. 10:19

22 But yeah, I would assume it would be 10:20

23 before March 10th, yes. 10:20

24 Q About how many days before March 10th had 10:20

25 you first met with Mr. Otten? 10:20

1 it was for TV, I don't remember what channel it was 10:47

2 for, though. 10:47

3 Q Okay. 10:47

4 A But I remember there were two separate 10:47

5 reporters that were working together as a team to do 10:47

6 like two different stories. 10:47

7 Q Okay. 10:47

8 A And they were like both recording me at 10:47

9 the same time. So I remember that. 10:47

10 I remember that some members of the 10:47

11 Bay Boys came out as well and they were recording me 10:48

12 with their cameras, and that was uncomfortable. 10:48

13 Q How many times have you been back to -- 10:48

14 how many times have you attempted to surf at 10:48

15 Lunada Bay since February 13th? 10:48

16 A I have not attempted to surf at Lunada Bay 10:48

17 since then because of my injury, I broke my arm 10:48

18 snowboarding so I didn't have that opportunity. 10:48

19 Q Have you attempted to engage in any other 10:48

20 water sports at Lunada Bay since February 13th? 10:48

21 A No, I have not. 10:48

22 Q Have you gone to Lunada Bay to try to take 10:48

23 pictures since February 13th? 10:48

24 A Yes, I have. 10:48

25 Q Okay. How many times? 10:48

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1 A I don't remember how many times. I'm sure 10:48
2 more than twice. But I would have to think about it 10:49
3 a little bit more. I don't remember the exact 10:49
4 amount of time. 10:49

5 Q Those times that you were taking 10:49
6 photographs, were you harassed or intimidated? 10:49

7 A Yeah, unfortunately, I was harassed every 10:49
8 time I was there. 10:49

9 Q What was the day of the first time you 10:49
10 went back to take photographs after February 13th? 10:49

11 A Well, like I said, I don't remember 10:49
12 specifically how many times I've been back, so it 10:49
13 would be hard for me to give you a date as of the 10:49
14 first time since the 13th, I don't know if there's 10:49
15 anything I could do to refresh my memory, but... 10:49

16 Q Let's just break it down. I think you 10:49
17 told me that you've been back twice to take 10:49
18 photographs, so let's just take one -- 10:49

19 MR. FRANKLIN: Misstates prior testimony. 10:49

20 THE WITNESS: Yeah, at least twice. 10:49

21 BY MS. HEWITT: 10:49

22 Q At least twice, okay. At least twice, 10:49
23 that's what you told me, at least twice. 10:49

24 Let's look at the first one. The first 10:49
25 one that you remember when you went back to take 10:49

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1 BY MS. HEWITT: 10:56

2 Q So just focusing on instances when you 10:56

3 went back to take photographs after February 13th, 10:56

4 what harassment or intimidation did you experience? 10:57

5 A Sure. 10:57

6 I remember being constantly photographed 10:57

7 and recorded on cameras. I remember instances, you 10:57

8 know, of people on the bluff doing that. I remember 10:57

9 walking down the trail and people telling me that I 10:57

10 shouldn't be there, and that I should leave and, Oh, 10:57

11 no, you're coming here again, no one wants you here, 10:57

12 what are you doing here. And, you know, I tell 10:57

13 them, well, it's beautiful, public beach, and I'm 10:57

14 allowed to be here. 10:57

15 They would say offensive things to me. 10:57

16 They would, you know, call me a bitch, and they 10:57

17 would say stuff to me after I had passed -- if I was 10:57

18 with a friend, then they would, you know, say 10:57

19 insults about me to my friend. 10:58

20 They -- yeah, they kept basically telling 10:58

21 me that I shouldn't be there and that I'm not 10:58

22 welcome. And I also remember talking to Charlie a 10:58

23 few times and he approached me. I feel like maybe 10:58

24 he felt bad that he didn't do anything regarding the 10:58

25 beer incident to help, so maybe it was his way of 10:58

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1 saying sorry to kind of try to talk to me and 10:58
2 explain who the Bay Boys are and how they work 10:58
3 and -- I don't know, so I've had various discussions 10:58
4 with him. I had discussions with people in the fort 10:58
5 and, you know, I also unfortunately experienced 10:59
6 harassment in the way that I was told I'm not 10:59
7 welcomed there. 10:59

8 Q All right. During any of these incidents, 10:59
9 were you ever alone? 10:59

10 A I don't know. I don't recall ever being 10:59
11 completely alone. I think I always brought someone 10:59
12 with me. 10:59

13 Q Did Jordan ever go with you during any of 10:59
14 these instances? 10:59

15 A The only time Jordan went with me was when 10:59
16 he was surfing and I don't remember if he surfed 10:59
17 since February 13th. If he did, then he would have 10:59
18 been there. 10:59

19 Q Do you have a recollection of you 10:59
20 experiencing harassment while Jordan was out 10:59
21 surfing? 10:59

22 MR. FRANKLIN: Vague and ambiguous. 10:59

23 BY MS. HEWITT: 10:59

24 Q Since February 13th? 10:59

25 A Right, since February 13th, I don't have a 10:59

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1 Q Okay. So since the complaint was filed 11:06
2 you have not been back to Lunada Bay except with 11:06
3 reporters or media? 11:06

4 A Hmm-mm. 11:06

5 Q Yes? 11:06

6 A Yes, yes, hmm-mm. 11:06

7 Q All right. With the instances of 11:06
8 harassment or intimidation that you described to me 11:06
9 that occurred since February 13th when you went to 11:06
10 Lunada Bay, did you report any of that to the 11:07
11 police? 11:07

12 A I don't know, I don't remember. I may 11:07
13 have told them, you know, the people were harassing 11:07
14 me on my way down there. 11:07

15 Q Do you have a recollection right now of 11:07
16 contacting the police and telling them about those 11:07
17 instances we just discussed? 11:07

18 A I don't have that recollection right now. 11:07

19 Q Have you been to Lunada Bay since 11:07
20 February 13th at any time and not experienced any 11:07
21 physical or verbal harassment? 11:07

22 A Not that I can remember. 11:07

23 Q So each time you've been back since -- 11:07

24 A Well, I take that back because there was a 11:07
25 time with reporters that I believe that we weren't 11:07

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1 harassed because I don't think anyone was out -- I 11:07
2 think that was with -- I'm remembering now -- I 11:07
3 think that was when we were doing a radio interview, 11:07
4 I believe, with NPR, NPR or one of those stations. 11:07
5 I think that by that point there were no, 11:07
6 you know, there were no locals out so I don't think 11:08
7 anyone harassed us then. 11:08
8 Q Was that the only instance that you can 11:08
9 remember when you were not harassed since 11:08
10 February 13th when you were at Lunada Bay? 11:08
11 A This time, yes. 11:08
12 Q Have you seen any communications between 11:08
13 Cory Spencer and the City in which Spencer thanks 11:08
14 Chief Kepley for what Chief Kepley has done to help 11:08
15 out the situation at Lunada Bay? 11:08
16 MR. FRANKLIN: Vague and ambiguous. 11:08
17 THE WITNESS: I have not seen that, no. 11:08
18 BY MS. HEWITT: 11:08
19 Q Have you seen any communications in which 11:08
20 Cory Spencer thanks Chief Kepley for providing extra 11:08
21 patrols whenever Spencer had asked for them? 11:08
22 MR. FRANKLIN: Vague and ambiguous. 11:08
23 THE WITNESS: I don't remember him showing 11:08
24 me any kind of communication. 11:08
25 ///

| | | |
|----|--|-------|
| 1 | you. | 11:26 |
| 2 | Did you ever go there and they said he | 11:26 |
| 3 | would not meet with you? | 11:26 |
| 4 | A Yes, yes, the time I went there to get the | 11:26 |
| 5 | hard drive, he wouldn't meet with me because, you | 11:26 |
| 6 | know, he just wasn't available. | 11:26 |
| 7 | Q Was he -- did they tell you he was not | 11:26 |
| 8 | available or did they say he won't meet with you? | 11:26 |
| 9 | A I don't remember the wording that they | 11:26 |
| 10 | used. | 11:26 |
| 11 | Q Okay. Do you have any knowledge as to | 11:26 |
| 12 | what the -- withdraw. | 11:27 |
| 13 | Now, the pain and suffering that you | 11:27 |
| 14 | attribute, how have you experienced pain and | 11:27 |
| 15 | suffering? Describe your symptoms with the pain and | 11:27 |
| 16 | suffering you suffered? | 11:27 |
| 17 | A I've had loss of sleep -- you mean the | 11:27 |
| 18 | entire -- the entire course of events that happened | 11:27 |
| 19 | to me at the fort was extremely traumatic, you know, | 11:27 |
| 20 | I felt -- felt like I could have even been raped. I | 11:27 |
| 21 | mean, it was incredibly frightening, I felt | 11:27 |
| 22 | helpless. Just that whole memory of the event has | 11:27 |
| 23 | caused me to be fearful and just really affected my | 11:27 |
| 24 | piece of mind. | 11:27 |
| 25 | Q Did it cause you to be fearful of going to | 11:27 |

| | | |
|----|---|-------|
| 1 | Lunada Bay after February 13th? | 11:28 |
| 2 | A Of course. Yeah, it caused that as well, | 11:28 |
| 3 | hmm-mm. | 11:28 |
| 4 | Q Okay. And you did go to Lunada Bay after | 11:28 |
| 5 | that, February 13th; right? | 11:28 |
| 6 | A I did go back. And the reason why is | 11:28 |
| 7 | because I don't believe in bullying. I will stand | 11:28 |
| 8 | up to bullies. I will do what's right, it's a | 11:28 |
| 9 | public beach, and if I don't go then who else will | 11:28 |
| 10 | go. And, you know, I just, you know, I don't | 11:28 |
| 11 | believe in them bullying me into being fearful of | 11:28 |
| 12 | going somewhere that's beautiful and should be | 11:28 |
| 13 | accessible to all people. | 11:28 |
| 14 | Q Now, your loss of sleep, are you able to | 11:28 |
| 15 | differentiate from any loss of sleep between any of | 11:28 |
| 16 | Chief Kepley's actions and being pregnant? | 11:28 |
| 17 | A Yes, because at the time that this | 11:28 |
| 18 | occurred I wasn't pregnant. | 11:28 |
| 19 | Q When did you get pregnant? | 11:28 |
| 20 | A You know, we're not 100 percent sure. | 11:29 |
| 21 | Q Who's "we"? | 11:29 |
| 22 | A Me and my partner. | 11:29 |
| 23 | But around the beginning of March I would | 11:29 |
| 24 | think. | 11:29 |
| 25 | Q Have you experienced loss of sleep that | 11:29 |

1 after the complaint was filed, so I take that back. 12:32

2 Q Okay. How did you know that was his name? 12:32

3 A I knew his name from Jen, was the first 12:32

4 person that knew his name. And then I knew it based 12:32

5 on the investigation and my attorneys. 12:32

6 Q This was -- 12:32

7 A And I believe the police identified him to 12:33

8 me as well at that point. But yes, this was before 12:33

9 the complaint was filed. 12:33

10 Q And Jen knew him? 12:33

11 A She never told me that she knew him. All 12:33

12 she told me is what is in those text messages that 12:33

13 were attached to the police report, that's all that 12:33

14 I knew. 12:33

15 Q Did you ever see Brant Blakeman do 12:33

16 anything besides filming or speaking to you as you 12:33

17 told us at the bay area? 12:33

18 A Well, during the incident that occurred on 12:33

19 February 13th, it appeared as though he had 12:33

20 orchestrated that event with Mr. Jalian Johnston. 12:33

21 Q What specifically did he do that made you 12:33

22 think that he had orchestrated that? 12:33

23 A It appeared as though they had planned the 12:33

24 event out in an attempt to try to ruin my camera and 12:34

25 in an attempt to try to intimidate me. 12:34

1 Q What specifically was done or did you see 12:34
2 that caused you to believe that? 12:34

3 A The fact that when they entered the fort 12:34
4 it seemed like all of their actions were 12:34
5 orchestrated, they immediately rushed towards me. 12:34
6 Johnston immediately opened the can of beer and, you 12:34
7 know, sprayed it on me and on my camera in what I 12:34
8 believe they intended to appear as an accident but 12:34
9 to me it felt very intentional. 12:34

10 The way that, you know, he was -- he was 12:34
11 filming Johnston as though it was like a planned 12:34
12 performance it seemed like, you know. The fact that 12:34
13 he was holding the camera just right, right next to 12:35
14 my face in a way that made me feel threatened or 12:35
15 intimidated. 12:35

16 Q Go ahead. 12:35

17 A A lot of the actions at Lunada Bay between 12:35
18 the locals all appeared to be orchestrated based on 12:35
19 what I've seen and what I've heard in the surf 12:35
20 community. 12:35

21 Q Can you give me any specifics as to why 12:35
22 you thought the February 13th episode was 12:35
23 orchestrated or scripted or somehow created by 12:35
24 Mr. Blakeman or with his direction? 12:35

25 A I don't know who planned it. I don't know 12:35

1 who planned it but it appeared that they were 12:35
2 following a very distinct plan to try to intimidate 12:35
3 me and try to ruin my camera. 12:35
4 Q Can you give me any specifics as to why 12:35
5 you think that? 12:35
6 A I think that because of the way that that 12:35
7 the actions unfolded that I just described. 12:36
8 Q Were you in the fort and they came to the 12:36
9 fort? 12:36
10 A Yes. 12:36
11 Q And were you there with anyone else? 12:36
12 A Jen was there as well. 12:36
13 Q Anyone else? 12:36
14 A Charlie may have been there sitting on the 12:36
15 roof. 12:36
16 Q Charlie Ferrara? 12:36
17 A Yes. 12:36
18 Q Anyone else? 12:36
19 A I think that was it. 12:36
20 Q And how close were you and Jen together to 12:36
21 each other when Mr. Blakeman came to -- 12:36
22 A I don't remember specifically, probably 12:36
23 about as close as me and the lady with the red 12:36
24 flowers. 12:36
25 Q So ten feet maybe, eight feet? 12:36

1 was on the table. Or it may have been around my 12:38
2 neck but I don't believe that I was taking photos at 12:39
3 that time. I think I was watching my friend 12:39
4 surfing. 12:39

5 But as I said, I remember being very 12:39
6 startled. I remember Mr. Blakeman coming in holding 12:39
7 his camera on a tripod. 12:39

8 Q Who came in first, Mr. Blakeman or 12:39
9 Mr. Johnston? 12:39

10 A I'm not 100 percent sure, but I think 12:39
11 Mr. Blakeman was behind Mr. Johnston, I think. 12:39

12 Q Was Mr. Blakeman doing anything as he 12:39
13 entered? 12:39

14 A Yes, as I was saying, he was holding the 12:39
15 camera on some kind of tripod device recording, very 12:39
16 menacing, threatening look on his face that made me 12:39
17 extremely fearful. 12:40

18 Mr. Johnston was -- also had a very 12:40
19 menacing and fearful expression. The way that they 12:40
20 walked and their body language also appeared 12:40
21 threatening. They were making big, loud steps and 12:40
22 just a lot of heavy, you know, frightening movements 12:40
23 that made me feel that they were there in an 12:40
24 aggressive and hostile way. 12:40

25 Q What kind of camera was Mr. Blakeman 12:40

1 some flashing light or something that you can 12:41
2 recall? 12:41
3 A I don't remember. 12:41
4 Q So they entered, Mr. Johnston entered 12:41
5 first and Mr. Blakeman was right behind him or? 12:41
6 A Again, I'm not 100 percent sure. But I 12:41
7 think that that's the way that they entered. I 12:42
8 remember they entered fairly close together, I 12:42
9 think. 12:42
10 Q And did anyone -- 12:42
11 A Because Mr. Blakeman was recording the 12:42
12 incident, so that's why I'm -- I think he was behind 12:42
13 him. 12:42
14 Q Did anyone say anything to you as they 12:42
15 entered? 12:42
16 A Yes, Mr. Johnston appeared to be forging a 12:42
17 celebration, and, you know, he was raising his voice 12:42
18 and saying woo-hoo, you know, L.A. Times, and he 12:42
19 was -- as I can assume now, attempting to celebrate 12:42
20 the fact that the L.A. Times had published an 12:42
21 article about Lunada Bay and it was on the front 12:42
22 page that day. And I was unaware of that fact at 12:42
23 the time. 12:42
24 Q When you say "forging a celebration," what 12:42
25 do you mean? 12:42

1 A What I mean is that they were obviously 12:42
2 there to intimidate and harass me, and the way that 12:43
3 they wanted to do it, I guess, was to pretend that 12:43
4 they were celebrating the fact that the article came 12:43
5 out but clearly they were upset about the article. 12:43
6 Q Did they say anything other than woo-hoo, 12:43
7 L.A. Times, to give you an indication that they -- 12:43

8 A Yeah, they did. 12:43

9 Q Let me finish my question. 12:43
10 Did they give you any indication that they 12:43
11 were trying to intimidate based on the article? 12:43

12 A They did. I don't remember the specific 12:43
13 things that they said. I definitely do remember 12:43
14 their facial expressions and their body language 12:43
15 and, you know, that can say a lot more than words 12:43
16 can say. 12:43

17 Q After the woo-hoo comment, was there 12:43
18 anything else said to you? 12:43

19 A Well, it all seemed to me like it happened 12:43
20 at once. It was very frightening to me, so kind 12:43
21 of -- to me it feels like everything all happened at 12:44
22 the same time. I remember, you know, them rushing 12:44
23 towards me with the beer, offering me beer. I 12:44
24 believe I said, No. But I remember him rushing 12:44
25 towards me. 12:44

1 remember about your encounter with Mr. Blakeman on 12:56
2 the 13th of February? Is there anything else that 12:56
3 we haven't covered? 12:56

4 MR. FRANKLIN: Vague and ambiguous. 12:56

5 BY MR. DIEFFENBACH: 12:56

6 Q That you can recall? 12:56

7 MR. FRANKLIN: Calls for a narrative. 12:56

8 THE WITNESS: There's definitely a lot 12:56
9 more that I haven't told you about the encounter. 12:56

10 BY MR. DIEFFENBACH: 12:56

11 Q Okay. Please tell me what else you can 12:56
12 tell me about that. 12:56

13 A It's hard for me to remember everything. 12:56
14 I can just tell you what I recall at the moment. 12:56
15 But the more questions you ask me the more it helps 12:56
16 me. 12:56

17 Q I wasn't there so I don't know what to ask 12:56
18 you except to ask you to tell me what other things 12:56
19 you can recall about the episode on the 13th 12:56
20 specifically with regard to Mr. Blakeman that you 12:56
21 haven't told me about already. 12:56

22 You told me that he had a camera, that he 12:57
23 took videos, that he looked menacing to you, that he 12:57
24 videotaped or whatever? 12:57

25 A Yeah, I remember that he wouldn't stop 12:57

1 videotaping me. I think I might have asked him to 12:57
2 stop -- I mean, I definitely asked him why they're 12:57
3 doing that. I feel like his role was to record 12:57
4 rather than to speak and to intimidate through his 12:57
5 camera. 12:57

6 So I remember him, like I said, getting 12:57
7 very close to me and being -- felt like he was right 12:57
8 in my face with the camera. I remember asking them 12:57
9 why they're filming me and they said they're filming 12:57
10 me because I'm sexy and because I turn them on and 12:57
11 that was what Mr. Johnston was saying. 12:57

12 Q Did Mr. Blakeman say that? 12:57

13 A I don't remember if Mr. Blakeman said that 12:57
14 or not, but I do remember Mr. Johnston said that. 12:57

15 Q Okay. Anything else? 12:57

16 I mean, I can only ask you for your 12:58
17 memory, I'm not trying to put words in your mouth or 12:58
18 maybe there isn't anything else but I have just have 12:58
19 to say anything else and you tell me? 12:58

20 MR. FRANKLIN: Vague and ambiguous. 12:58

21 THE WITNESS: There's definitely a lot 12:58
22 that happened, it was just very traumatic, so. 12:58

23 You know, I remember him following 12:58
24 Mr. Johnston around as well filming him. There were 12:58
25 points in time where he was close to me, there were 12:58

1 other points in time where he was far away from me. 12:58

2 Eventually, he was on the roof with Charlie, I don't 12:58

3 remember how he got up there. 12:58

4 I remember Mr. Johnston changing. I don't 12:58

5 remember where Mr. Blakeman was at that point, if he 12:58

6 was next to me or not. 12:58

7 I remember, like I said, Mr. Johnston 12:59

8 throwing the cans of beer down and Mr. Blakeman 12:59

9 filming that. And, again, I remember just his 12:59

10 extremely menacing expressions and, you know, the 12:59

11 manner that he was walking around in. 12:59

12 BY MR. DIEFFENBACH: 12:59

13 Q What is a menacing expression to you, what 12:59

14 does that mean? 12:59

15 A I mean, he looked like -- I mean, he 12:59

16 was -- obviously, he was scowling, he was -- his 12:59

17 body language conveyed that he was hostile, he -- I 12:59

18 mean, they were making -- he was making sexual 12:59

19 comments, Mr. Johnston was. And I just felt very 12:59

20 frightened like anything could happen, you know. 13:00

21 Q The hostile body language, was that 13:00

22 Mr. Blakeman doing that, too? 13:00

23 A Yes. 13:00

24 Q What is hostile body language, describe 13:00

25 that if you can. 13:00

1 A Not that I know of, no. 13:48

2 THE VIDEOGRAPHER: 15 minutes. 13:48

3 MR. CAREY: I'll move quick. 13:48

4 BY MR. CAREY: 13:48

5 Q And how about any communication with 13:48

6 Chris Taloa as to why you should go to Lunada Bay on 13:48

7 February 13th? 13:48

8 A I don't think I had any direct 13:48

9 communication with him at that point. 13:48

10 Q "Him" meaning Chris Taloa? 13:48

11 A Yes. 13:48

12 Q Okay. Now, the -- we've questioned you a 13:48

13 lot -- or they've questioned you a lot about the 13:48

14 exact details, I'm not going to go through that all 13:48

15 over again in the interest of time. I do want to 13:48

16 ask about you some specifics. 13:48

17 A Okay. 13:48

18 Q You just stated at the end of your 13:48

19 questioning with prior counsel for the first time 13:48

20 that my client exposed himself to you during that 13:48

21 incident. Describe exactly what happened. 13:48

22 A It's hard for me to remember all the 13:48

23 details but what I do remember is that while he had 13:48

24 a towel on himself there was a moment when it seemed 13:48

25 that he intentionally exposed his penis to me while 13:49

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1 he was changing. 13:49

2 Q So he was changing into his wetsuit? 13:49

3 A He was in the process of doing that. 13:49

4 Q And he had a towel around his waist? 13:49

5 A I believe so; yes. 13:49

6 Q Have you changed in a wetsuit on a beach 13:49

7 before? 13:49

8 A I've changed many times. 13:49

9 Q What's the purpose of putting a towel 13:49

10 around you on the beach while changing into your 13:49

11 wetsuit? 13:49

12 A To cover yourself up. 13:49

13 Q The -- you said you believe that he 13:49

14 intentionally flashed himself at you -- I'm sorry I 13:49

15 used the word "flash" but you didn't use that word, 13:49

16 but can you describe exactly what you saw? 13:49

17 A I mean, I remember -- I think he was 13:49

18 facing me which is odd because usually when people 13:49

19 change in their wetsuits, they try to face away from 13:49

20 you. And, again, it seemed like it happened very 13:50

21 quickly and combined with, you know, the yelling and 13:50

22 the comments and the moaning, you know, I remember 13:50

23 there was a moment when he seemed like he 13:50

24 purposefully removed his towel in order to expose 13:50

25 himself. 13:50

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1 Q So he completely removed his towel is your 13:50
2 testimony? 13:50

3 A No, I'm not saying that. 13:50

4 Q Okay. So what specifically did he do to 13:50
5 expose himself if you can describe his action; 13:50
6 meaning, did he open the towel briefly and then 13:50
7 close it, what exactly happened? 13:50

8 A It's hard for me to remember but I do 13:50
9 remember, you know, his towel being open in a way 13:50
10 where I could see what was underneath. 13:50

11 Q In your experience, is that an unusual 13:50
12 occurrence for someone to be partially exposed while 13:50
13 changing into their wetsuit prior to surfing? 13:50

14 MR. FRANKLIN: Misstates testimony. 13:51

15 THE WITNESS: It's unusual for someone to 13:51
16 expose their penis while they're changing into a 13:51
17 wetsuit by opening their towel, yes. 13:51

18 BY MR. CAREY: 13:51

19 Q So you are saying that he opened his towel 13:51
20 to flash himself at you? 13:51

21 A There was a moment of time where his towel 13:51
22 appeared to be open and that's when I saw what I 13:51
23 saw. 13:51

24 Q The -- I want to ask you about the police 13:51
25 report. 13:51

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1 video, but I think forgot to just mark what you gave 14:04

2 to us. 14:04

3 Can I just mark it as Exhibit -- whatever 14:04

4 is next in order, that and the flash drive. 14:04

5 (Deposition Exhibit 53, documents and

6 flash drive, was marked for

7 identification.)

8

9 (Whereupon the deposition was concluded at

10 2:04 p.m.)

11

12 (DECLARATION UNDER PENALTY OF PERJURY ON

13 THE FOLLOWING PAGE HEREOF.)

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I, DIANA MILENA REED, do solemnly declare
under penalty of perjury that the foregoing is my
deposition under oath; that these are the questions
asked of me and my answers thereto; that I have read
same and have made the necessary corrections,
additions, or changes to my answers that I deem
necessary.

It witness thereof, I hereby subscribe my
name this day of _____, 2016.

WITNESS SIGNATURE

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Certification of Court Reporter

Federal Jurat

I, the undersigned, a Certified Shorthand Reporter of the State of California do hereby certify:

That the foregoing proceedings were taken before me at the time and place herein set forth; that any witnesses in the foregoing proceedings, prior to testifying, were placed under oath; that a verbatim record of the proceedings was made by me using machine shorthand which was thereafter transcribed under my direction; further, that the foregoing is an accurate transcription thereof.

That before completion of the deposition, a review of the transcript [x] was [] was not requested. I further certify that I am neither financially interested in the action nor a relative or employee of any attorney of any of the parties.

IN WITNESS WHEREOF, I have this date subscribed my name.

Dated: November 7, 2016



Jimmy Rodriguez, RPR

Certificate Number 13464

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EXHIBIT C